SENATE JUDICIARY
Exhibit No. 1
Date 3-15-07
Bill No. HB 305

Testimony in support of HB305

"AN ACT LIMITING LIABILITY FOR A SPONSOR OF AN OFF-HIGHWAY VEHICLE ACTIVITY; AND AMENDING SECTION 23-2-822, MCA"

Presented to the Judiciary Committee

March 15, 2007

Chairman Jesse Laslovich, Members of the Committee:

My name is Russ Ehnes. I am from Great Falls and I am the President of the Montana Trail Vehicle Riders Association (MTVRA). I am offering this testimony behalf of MTVRA, an organization dedicated to protecting access for responsible off-highway vehicle recreational activities in Montana. MTVRA is comprised of 18 local OHV clubs across Montana and represents over 5,000 individual and family members.

MTVRA strongly supports HB305, which would limit the liability of those who chose to make a variety of opportunities available for off-highway vehicle recreationists in Montana. The purpose of HB305 is to limit liability for common hazards which are a normal part of OHV experiences and to encourage providers of off-highway vehicle related insurance policies to consider writing policies in Montana. HB305 would provide the same level of liability protection to OHV opportunity providers as equestrian operators currently enjoy in Montana. OHV riding, like horseback riding has some risks inherent to the activity that participants must be aware of and accept.

Off-highway vehicle recreation is an important part of many Montanans' lifestyle and an important part of our economy. OHV related tourism is on the rise and Montana has the opportunity to take advantage of that demand. Unfortunately, there are fewer opportunities for OHV recreation on Montana's public lands than in the past due to restrictions and closures. Montana's private lands could provide opportunities except for one problem; the lack of insurance to cover the providers.

There are currently several insurance companies in the nation providing policies for OHV riding area owners, clubs, and individuals. Of those, only two offer coverage for riding parks. Those two only provide insurance in states that have passed legislation like HB305.

The lack of insurance also affects providers of OHV rental equipment and companies that offer guided OHV tours. One example is Bull Run Guest Ranch near Cascade, Montana. Joe and Leslie Tripp operated their guest ranch business on the Anderson Ranch. It included hunting, fishing, horseback riding, and OHV opportunities. The ranch offered guided ATV tours and rental ATVs so guests could ride unguided on the trail system after a guided tour, and they offered access to the trail system by riders with their own vehicles for an annual or daily fee. While they weren't getting rich by any means, they were able to make a living with combined income from all the activities and stay on the ranch. Two years ago their insurance provider, Colorado Western, went out of business. While they were able to find insurance for the horseback riding and hunting, they could not get insurance for the OHV portion of the business. Without that income it was no longer practical to run the business. Their only option was to sell the Bull Run Guest Ranch to a limited liability company interested in the hunting access and private access for the LLC members. Joe and Leslie Tripp and their three kids now live in Charlotte, North Carolina where he works as a website manager for a television network.

There are several additional reasons why HB305 would help Montanans:

- Private riding areas would also boost the need for other services like food, lodging and parts and service for OHVs.
- HB305 would make insurance more readily available and more affordable for communities like Fort Benton, where they conducted an ATV Jamboree last spring that drew over 200 riders.
- OHV tour operators could have access to more affordable insurance.
- Farms and ranches may be inclined to allow access to OHV riders, regardless of whether they charge for access.
- Clubs promoting events could have access to more affordable policies. Currently there is only one provider of event coverage in Montana.
- More OHV related activities would boost Montana's overall economy.
- Public entities like the BLM, US Forest Service, and State of Montana would realize a reduction in liability claims.

MTVRA believes that passing HB305 will make more OHV opportunities available for Montana's citizens and out-of-state visitors. We also believe the economic benefits will keep more Montana's living and working in our beautiful state.

Thank you for considering our testimony.

Respectfully submitted,

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